

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Daniel E. Smelko,

Case No. 5:17-cv-1673

Petitioner,

v.

ORDER

David Marquis, Warden,

Respondent.

Before me is the July 13, 2018 Report and Recommendation of Magistrate Judge James R. Knepp, II, (Doc. No. 17), recommending I grant the motion of Respondent David Marquis to dismiss the petition of pro se Petitioner Daniel E. Smelko for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 12).

Under the relevant statute, “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The fourteen-day period elapsed on July 30, 2018, *see* Fed. R. Civ. P. 6(a)(1) and (d), and no objections have been filed.

The failure to file written objections to the Magistrate Judge’s Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950 (6th Cir. 1981); *Smith v. Detroit Fed’n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“only

those specific objections to the magistrate's report made to the district court will be preserved for appellate review").

Following review of the Magistrate Judge's Report and Recommendation, I adopt the Report and Recommendation, (Doc. No. 17), in its entirety as the Order of the Court, grant Respondent's motion, (Doc. No. 12), and dismiss Smelko's petition.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge